

EXHIBIT “A1”

12/3/2021 1:48 PM
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Envelope No. 59690401
By: Joshua Hall
Filed: 12/3/2021 1:48 PM

2021-78906 / Court: 127

CAUSE NO. _____

MARIA DELOSANELES DELCID,
INDIVIDUALLY AND AS NEXT FRIEND
OF J.D., A MINOR

VS.

FIESTA MART, L.L.C.

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARIA DELOSANELES DELCID, INDIVIDUALLY AND AS NEXT FRIEND OF JUSTIN DELCID, A MINOR, Plaintiffs (sometimes referred to only as "Plaintiffs"), complaining of FIESTA MART, L.L.C., Defendant (sometimes referred to collectively as "Defendant"), and for cause of action would show this Honorable Court the following:

I.

DISCOVERY CONTROL PLAN

Plaintiff intends to conduct discovery in this matter under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

II.

PARTIES

Plaintiff is an individual and a resident of Houston, Harris County, Texas.

Defendant FIESTA MART, L.L.C. is a limited liability company conducting business in the State of Texas. Defendant may be served with process by delivering citation to its registered agent for service, C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

III.
JURISDICTION AND VENUE

This Court has jurisdiction because the amount in controversy is within its jurisdictional limits. Venue is proper in Harris County, Texas, because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County.

IV.
FACTS

This suit is brought as a result of an incident that occurred on or about February 15, 2020. On said date, Plaintiff, who was an invitee at Fiesta Mart, located at 4711 Airline Drive, Houston, Texas, slipped and fell on water leaking from a freezer. The Plaintiff was seriously injured as a result.

V.
NEGLIGENCE – FIESTA MART, L.L.C.

The incident was proximately caused by the negligence and gross negligence of Defendant FIESTA MART, L.L.C. in creating a condition on the premises that created an unreasonable risk of harm to visitors. Further, Defendant FIESTA MART, L.L.C. knew, or in the exercise of ordinary care should have known, of this unsafe condition on its premises, but failed to remedy or correct the condition and failed to warn patrons at the store, including Plaintiff, of the danger. Such negligence was the proximate cause of Plaintiff's injuries.

VI.
DAMAGES

As a producing, direct and proximate result of the incident and injuries for which Defendant is liable, Plaintiff seeks and is entitled to the following damages:

1. physical pain and mental anguish in the past and future;
2. physical disfigurement in the past and future;

3. physical impairment in the past and future;
4. medical care in the past and future;
5. exemplary damages; and
6. all other damages allowed by law and equity.

As such, Plaintiff affirmatively pleads that they seek monetary relief over \$200,000.00 but not more than \$1,000,000.00.

VII. **INTEREST**

Plaintiff specifically pleads for pre-judgment interest at the maximum legal rate:

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear and answer, and that on final trial hereof Plaintiff have judgment against Defendant, jointly and severally, and that Plaintiff recover (1) actual and compensatory damages in accordance with the evidence; (2) pre-judgment and post-judgment interest as provided by law; (3) costs of suit; (4) exemplary damages; (5) attorney's fees; and such other and further relief, at law and in equity, to which Plaintiff may be justly entitled.

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Respectfully submitted,

KRAIG L. RUSHING

Attorney at Law

A handwritten signature in black ink, appearing to read 'K. L. Rushing', is written over a horizontal line.

Kraig L. Rushing

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